

THURSDAY, MAY 23, 1991

FORTY-NINTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Harry Green, Cowan Cumberland Presbyterian Church, Cowan, Tennessee.

Representative Billy Rigsby led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Kernell from Committee meetings on Tuesday and Wednesday; due to the birth of baby.

REPORT OF COMMITTEE ON CALENDAR AND RULES
May 21, 1991

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the Regular Calendar for Thursday, May 23, 1991: House Bill(s) No(s). 1459.

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We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Tuesday, May 28, 1991**: House Bill(s) No(s). 1591 and House Joint Resolution(s) No(s). 231.

PHILLIPS, Chair.

REPORTS FROM STANDING COMMITTEES

**FINANCE, WAYS AND MEANS
May 21, 1991**

MR. SPEAKER: Your Finance, Ways and Means Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 771 and 824; for passage if amended: House Bill(s) No(s). 322, 535, 912 and 1219.

BRAGG, Chair.

Under the rules, House Bill(s) No(s). 771 and 824; with amendment(s): House Bill(s) No(s). 322, 535, 912 and 1219 was/were transmitted to the Calendar and Rules Committee.

**REPORT OF CHIEF ENGROSSING CLERK
May 21, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 325; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**ENROLLED BILLS
May 21, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 122, 532, 587, 699, 1078, 1249 and 1292; House Resolution(s) No(s). 73, 109, 110, 112, 113, 114, 115, 116, 117, and 118; also, House Joint Resolution(s) No(s). 51, 190, 274, 326, 329, 330, 331, 332, 333, 335, 340, 341, 342, 369 and 370; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR
May 21, 1991**

MR. SPEAKER: I am directed by the Governor to return herewith:

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House Bill(s) No(s). 181, 215, 469, 647, 649, 703, 1175, 1568, 1595, 1596, 1597, 1598 and 1599; also, House Joint Resolution(s) No(s). 14, 84, 334, 337, 338 and 339; with his approval.

DAVID H. WELLES,
Counsel to the Governor.

**ENGROSSED BILLS
May 21, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 752; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
May 22, 1991**

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar** for **Thursday, May 23, 1991**: House Bill(s) No(s). 771 and 1219.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Tuesday, May 28, 1991**: House Bill(s) No(s). 824; also, Senate Joint Resolution(s) No(s). 235.

PHILLIPS, Chair.

REPORTS FROM STANDING COMMITTEES

**FINANCE, WAYS AND MEANS
May 22, 1991**

MR. SPEAKER: Your Finance, Ways and Means Committee reports that we have carefully considered and recommend for passage if amended: House Bill(s) No(s). 467.

BRAGG, Chair.

Under the rules, with amendment(s): House Bill No(s). 467 was/were transmitted to the Calendar and Rules Committee.

**ENROLLED BILLS
May 22, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report

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that we have carefully compared House Bills(s) No(s). 1252; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED
May 22, 1991

The Speaker announced that he had signed the following: House Bill(s) No(s). 1252.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED
May 22, 1991

The Speaker announced that he had signed the following: House Bill(s) No(s). 122, 532, 587, 699, 1078, 1249 and 1292; House Joint Resolution(s) No(s). 51, 190, 274, 326, 329, 330, 331, 332, 333, 335, 340, 341, 342, 369 and 370; also, House Resolution(s) No(s). 73, 109, 110, 112, 113, 114, 115, 116, 117 and 118.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR
May 22, 1991

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 39, 63, 71, 155, 210, 217, 237, 243, 280, 325, 332, 568, 966, 972, 1079, 1227, 1236, 1264, 1304, 1351, 1434, 1473, 1483, 1605 and 1607; also, House Joint Resolution(s) No(s). 176, 186, 256, 280, 305, 306, 310, 312, 313, 314, 315, 316, 318, 319, 320, 321, 322, 323, 324, 325, 327, 328 and 336; with his approval.

DAVID H. WELLES,
Counsel to the Governor.

MESSAGE FROM THE SENATE
May 22, 1991

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 122, 532, 587, 699, 1078, 1249, 1252 and 1292; also, House Joint Resolution(s) No(s). 51, 190, 274, 326, 329, 330, 331, 332, 333, 335, 340, 341, 342, 369 and 370; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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**MESSAGE FROM THE SENATE
May 22, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 6, 100, 376, 514, 697, 1070, 1421 and 1542; also, Senate Joint Resolution(s) No(s). 26, 197, 217, 248, 249, 250, 251, 252, 255, 256, 258, 260, 261, 262, 263, 264, 267, 268, 269, 277, 279, 281 and 282; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK
May 22, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 122, 532, 587, 699, 1078, 1249, 1252 and 1292; also, House Joint Resolution(s) No(s). 51, 190, 274, 326, 329, 330, 331, 332, 333, 335, 340, 341, 342, 369 and 370; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
May 23, 1991**

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the Regular Calendar for Wednesday, May 29, 1991: House Bill(s) No(s). 912, 1464, 795, 535, 322, 303, 467, 1308 and 1309.

PHILLIPS, Chair.

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 391 out of order, which motion prevailed.

House Joint Resolution No. 0391 -- General Assembly, Adjournment, Recess -- Provides for recess of the house from the close of business on Thursday, May 23, until Wednesday May 29 at 2:00 p.m. by *Purcell.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Purcell, the resolution was adopted.

A motion to reconsider was tabled.

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CONSENT CALENDAR

House Bill No. 1615 -- Tullahoma -- Increases to \$750,000 amount board of mayor and aldermen can borrow. Amends Chapter 553, Acts of 1903, as amended.

House Bill No. 1617 -- Humboldt -- Revises salary of mayor and aldermen. Amends Chapter 77, Private Acts of 1913, as amended.

House Bill No. 1620 -- Humboldt -- Increases terms of mayor and aldermen. Amends Chapter 77, Private Acts of 1913, as amended.

House Bill No. 1622 -- Montgomery County -- Revises motor vehicle privilege tax. Amends Chapter 283, Private Acts of 1967, as amended.

House Bill No. 1624 -- Benton -- Revises charter. Amends Chapter 417, Private Acts of 1951, as amended.

House Bill No. 1626 -- Milan -- Sets property tax rate for Milan Special School District. Amends Chapter 504, Private Acts of 1945, as amended.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	96
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Williams (Union) -- 1.

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A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 1159 -- Motor Vehicles -- Increases time period for filing written reports of accidents causing damage in excess of \$400. Amends TCA, Title 55.

Further consideration of House Bill No. 1159, previously considered on May 6, 13 and 20, at which time it was reset to the Calendar for May 23, 1991.

Rep. Davis (Cocke) moved that House Bill No. 1159 be reset to the Calendar for February, 1992, which motion prevailed.

***Senate Bill No. 1495** -- Sexual Offenses -- Enacts "Rape Victims' Rights Act".

Further consideration of Senate Bill No. 1495, previously considered on May 13, 1991, at which time it was substituted for House Bill No. 1487, and reset to the Calendar for May 23, 1991.

Rep. Chumney moved that **Senate Bill No. 1495** be re-referred to the Calendar and Rules Committee, which motion prevailed.

***House Bill No. 0996** -- Agriculture -- Enacts "Tennessee Aquaculture Policy Act of 1991". Amends TCA, Title 43.

Further consideration of House Bill No. 996, previously considered on May 13 and 20, 1991, at which time it was reset to the Calendar for May 23, 1991.

On motion, House Bill No. 996 was made to conform with Senate Bill No. 1358.

On motion, **Senate Bill No. 1358**, on same subject, was substituted for House Bill No. 996.

Rep. Davis (Gibson) moved that **Senate Bill No. 1358** be passed on third and final consideration.

On motion, Rep. Davis (Gibson) withdrew Agriculture Committee Amendment No. 1.

Rep. Davis (Gibson) moved adoption of Agriculture Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1358 by deleting in the second amendatory clause of Section 1 the language "seven (7) members" and by substituting instead the language "nine (9) members".

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AND FURTHER AMEND by adding the following language and punctuation after the language "economic and community development" in the first sentence of the second amendatory clause of Section 1:

; one (1) member shall be a member of the Tennessee wildlife resources commission; one (1) member shall be a representative of the largest organization representing farmers in the state; and

AND FURTHER AMEND by deleting subsection (b) of the second unnumbered section of Section 1 in the printed bill in its entirety and by substituting instead the following new language:

(b) The term of office of each member shall be four (4) years. In order for the members to serve staggered terms, five (5) of the initial nine (9) appointments shall be for four (4) years, and four (4) shall be for two (2) years. All subsequent terms shall be for four (4) years; provided, however, a vacancy shall be filled in the same manner as the original appointment for the balance of the unexpired term. A member of the board shall be eligible to succeed himself but not for more than two (2) four-year terms.

AND FURTHER AMEND by deleting from subsection (f) of the second unnumbered section of Section 1 in the printed bill the words and figures "Four (4) members" and by substituting instead the words and figures "Five (5) members".

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Davis (Gibson) moved that **Senate Bill No. 1358**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odum, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Venable, Wailley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

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A motion to reconsider was tabled.

***Senate Bill No. 0644 -- General Assembly -- Prohibits members from being lobbyists. Amends TCA, Title 3.**

Further consideration of Senate Bill No. 644, previously considered on May 6, 1991, at which time it was substituted for House Bill No. 385, May 13 and 20, and reset to the Calendar for May 23, 1991.

Rep. Chumney moved that **Senate Bill No. 644** be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 0852 -- District Attorneys -- Authorizes additional assistant district attorney general for 21st judicial district. Amends TCA 16-2-506.

Further consideration of House Bill No. 852, previously set on the May 20 Calendar, and, pursuant to Rule 49 was placed on the Calendar for May 23, 1991.

On motion, House Bill No. 852 was made to conform with Senate Bill No. 415.

On motion, **Senate Bill No. 415**, on same subject, was substituted for House Bill No. 852.

Rep. Jackson moved that **Senate Bill No. 415** be passed on third and final consideration.

Rep. Byrd moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 415 by deleting the amendatory language of Section 1 of the printed bill in its entirety and by substituting instead the following new language:

On July 1, 1991, the district attorney general of the twenty-first judicial district shall be entitled to one (1) additional assistant district attorney general position; provided, however, the funding for such additional district attorney general position shall be provided exclusively by the municipal and county governments which comprise the twenty-first judicial district;

On motion, Amendment No. 1 was adopted.

On motion, Rep. Byrd withdrew Judiciary Committee Amendment No. 2.

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Thereupon, Rep. Jackson moved that **Senate Bill No. 415**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 0893 -- Criminal Offenses -- Creates offense of fraudulent transfer of motor vehicle. Amends TCA, Title 39, Ch. 14, Pt. 1.

Further consideration of House Bill No. 893, previously set on the May 20 Calendar, and, pursuant to Rule 49 was placed on the Calendar for May 23, 1991.

On motion, House Bill No. 893 was made to conform with Senate Bill No. 995.

On motion, **Senate Bill No. 995**, on same subject, was substituted for House Bill No. 893.

Rep. Williams (Shelby) moved that **Senate Bill No. 995** be passed on third and final consideration.

On motion, Rep. Byrd withdrew Judiciary Committee Amendment No. 1.

Rep. Williams (Shelby) moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 995 by designating subsection (b) of Section 3 of the printed bill as subsection (c) and by adding the following new subsection to be designated as subsection (b) of Section 3:

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(b) Intending to defraud or harm the vehicle's owner, the person transfers the vehicle to a third party;

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Williams (Shelby) moved that **Senate Bill No. 995**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1136 -- Consumer Protection -- Sets forth conditions for voluntary compliance of consumer protection; sets civil penalty for violation; clarifies statute of limitations. Amends TCA, Title 47, Ch. 18, Pt. 1.

Further consideration of House Bill No. 1136, previously set on the May 20 Calendar, and, pursuant to Rule 49 was placed on the Calendar for May 23, 1991.

On motion, House Bill No. 1136 was made to conform with Senate Bill No. 1207.

On motion, **Senate Bill No. 1207**, on same subject, was substituted for House Bill No. 1136.

Rep. Herron moved that **Senate Bill No. 1207** be passed on third and final consideration.

On motion, Rep. West withdrew Consumer and Employee Affairs Committee Amendment No. 1.

Rep. Herron moved that **Senate Bill No. 1207** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes. 97
Noes. 1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

Representatives voting no were: Chiles -- 1.

A motion to reconsider was tabled.

House Bill No. 0398 -- Fire Prevention and Investigation -- Authorizes issuance of citations or seeking of injunction to correct dangerous conditions in certain buildings. Amends TCA, Title 68, Chs. 17, 18.

Further consideration of House Bill No. 398, previously set on the May 20 Calendar, and, pursuant to Rule 49 was placed on the Calendar for May 23, 1991.

On motion, House Bill No. 398 was made to conform with Senate Bill No. 220.

On motion, **Senate Bill No. 220**, on same subject, was substituted for House Bill No. 398.

Rep. Niceley moved that **Senate Bill No. 220** be passed on third and final consideration.

Rep. Niceley moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Niceley moved that **Senate Bill No. 220** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. 98
Noes. 0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross,

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Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 0764 -- Criminal Procedure -- Reduces amount of fee to be collected by clerk of court from \$15 to \$10. Amends TCA, Title 40, Ch. 24.

Further consideration of House Bill No. 764, previously set on the May 20 Calendar, and, pursuant to Rule 49 was placed on the Calendar for May 23, 1991.

On motion, House Bill No. 764 was made to conform with Senate Bill No. 1123.

On motion, **Senate Bill No. 1123**, on same subject, was substituted for House Bill No. 764.

Rep. Turner (Hamilton) moved that **Senate Bill No. 1123** be passed on third and final consideration.

On motion, Rep. Byrd withdrew Judiciary Committee Amendment No. 1.

Rep. Turner (Hamilton) moved that **Senate Bill No. 1123** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton),

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Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Stamps -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from present not voting to aye on Senate Bill No. 1123 and have this statement entered in the Journal.

Rep. Clint Callicott

REGULAR CALENDAR, CONTINUED

House Bill No. 1567 -- Courts, General Sessions -- Expands jurisdiction of general sessions court to include probate and mental health commitments in Fayette County. Amends TCA 16-15-5004.

Further consideration of House Bill No. 1567, previously set on the May 20 Calendar, and, pursuant to Rule 49 was placed on the Calendar for May 23, 1991.

On motion, House Bill No. 1567 was made to conform with Senate Bill No. 1557.

On motion, **Senate Bill No. 1557**, on same subject, was substituted for House Bill No. 1567.

Rep. Walley moved that **Senate Bill No. 1557** be passed on third and final consideration.

Rep. Walley moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Walley moved that **Senate Bill No. 1557** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R

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(Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 0904 -- Tennessee Housing Development Agency -- Expands programs concerning affordable housing; changes priorities of fixtures to prior recorded mortgage. Amends TCA, Title 13, Ch. 23, 47-9-313.

Further consideration of House Bill No. 904, previously set on the May 20 Calendar, and, pursuant to Rule 49 was placed on the Calendar for May 23, 1991.

On motion, House Bill No. 904 was made to conform with Senate Bill No. 1079.

On motion, **Senate Bill No. 1079**, on same subject, was substituted for House Bill No. 904.

Rep. Purcell moved that **Senate Bill No. 1079** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 2 as House Amendment No. 3.

Rep. Purcell moved that **Senate Bill No. 1079** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier,

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Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 0381 -- Agriculture -- Enacts "Rural Community Improvement Act of 1991".**

Further consideration of House Bill No. 381, previously set on the May 20 Calendar, and, pursuant to Rule 49 was placed on the Calendar for May 23, 1991.

Rep. Love moved that House Bill No. 381 be passed on third and final consideration.

Rep. Davis (Gibson) moved adoption of Agriculture Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 381 by deleting Sections 2 through 7 of the printed bill in their entirety and by substituting instead the following new language:

SECTION 2. This general assembly finds that persons of prestige and prominence who once lived on farms but who have since moved to other areas should be recognized and encouraged in their efforts to restore, renovate and reclaim farm homes as a memorial to from families.

SECTION 3. The commissioner of agriculture and the commissioner of economic and community development may establish a joint program to encourage and promote the restoration, reclamation and renovation of abandoned or dilapidated homes located on traditional farm land in Tennessee. The purpose of such joint program is to facilitate cooperation among interested parties to renovate, reclaim and restore such abandoned farm houses as a memorial to the farm families who once lived there.

SECTION 4. The commissioner of agriculture and the commissioner of economic and community development may promulgate rules and regulations to carry out the purposes of this act in accordance with the Uniform Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 5. Any funding to carry out the provisions of this act shall be as provided for in the general appropriations act.

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SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Love moved that **House Bill No. 381**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 1114 -- Hospitals and Health Care Facilities -- Increases freezer air temperature from 20 to 25 degrees. Amends TCA, Title 68, Ch. 11; Title 71, Ch. 5.

Further consideration of House Bill No. 1114, previously set on the May 20 Calendar, and, pursuant to Rule 49 was placed on the Calendar for May 23, 1991.

On motion, House Bill No. 1114 was made to conform with Senate Bill No. 489.

On motion, **Senate Bill No. 489**, on same subject, was substituted for House Bill No. 1114.

Rep. Kisber moved that **Senate Bill No. 489** be passed on third and final consideration.

On motion, Rep. Pruitt withdrew Health and Human Resources Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2.

Rep. Arriola moved to amend as follows:

Amendment No. 3

AMEND Senate Bill No. 489 by adding the following new language immediately before the effective date section and by renumbering such section accordingly:

SECTION ____ (a) WHEREAS, Medicaid has been the fastest growing component of the state budget; and

WHEREAS, the Federal Government continues to mandate programs to the state without consideration for fiscal soundness; and

WHEREAS, this General Assembly must study this state's options with regard to Medicaid spending through a committee that fully represents this legislative body; and

WHEREAS, the committee shall call on experts in all the health care fields including, but not limited to, acute care, long-term care, skilled care, various managed care programs, allied health care specialists such as durable medical equipment and supplies, oxygen and home health; and

WHEREAS, the committee shall coordinate with other committees that may be studying parts of the health care equation, review and assimilate all information and make recommendations for saving through better coordination of benefits; now, therefore,

(b) There is hereby created a special joint committee to study Medicaid reform.

(c) The committee shall consist of two (2) members each from the House of Representative's Health and Human Resources Committee, Commerce Committee, and Finance, Ways, and Means Committee and two (2) members each from the Senate's General Welfare, Health and Human Resources Committee; Finance, Ways, and Means Committee; Commerce, Labor, and Agriculture Committees, to be appointed by the respective speakers, for a total of twelve (12) committee members.

(d) The organizational meeting of the committee shall be convened by the member who possesses the longest period of continuous service in the General Assembly; and, at such meeting, the committee shall elect from its membership a chair, vice-chair, and such other officers as shall be deemed necessary.

(e) At the request of the committee, the Department of Human Services, the Department of Finance and Administration and the other various agencies and entities of state government shall assist the committee in the

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performance of its duties.

(f) The special joint committee shall timely report its findings and recommendations, including any proposed legislation, to the 1992 session of the 97th General Assembly; and, upon reporting such findings and recommendations, the committee shall cease to exist.

On motion, Amendment No. 3 was adopted.

Rep. Kisber moved to amend as follows:

Amendment No. 4

Amend Senate Bill No. 489 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section ____ . It is the intent of the General Assembly that nursing homes whose nursing home services license fee imposed under this act is lower than the fee imposed July 1, 1990, shall notify their patients of the General Assembly's action in lowering the fee.

On motion, Amendment No. 4 was adopted.

Thereupon, Rep. Kisber moved that **Senate Bill No. 489**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	87
Noes.	10
Present and not voting.	1

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, Whitson, Williams (Shelby), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Anderson, Coffey, Cross, Halteman, Joyce, Meyer, Niceley, Stamps, West, Windle -- 10.

Representatives present and not voting were: Williams (Union) -- 1.

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A motion to reconsider was tabled.

***Senate Bill No. 0125 -- Alcoholic Beverages --** Decreases days a restaurant must be open to serve alcoholic beverages. Amends TCA 57-4-102.

Further consideration of Senate Bill No. 125, previously considered on May 9, 1991, at which time it was substituted for House Bill No. 1438, failed for a lack of constitutional majority and was re-referred to the Calendar and Rules Committee, which reset the bill to the Calendar for May 23, 1991.

Rep. Williams (Shelby) moved that **Senate Bill No. 125** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	58
Noes.	28
Present and not voting.	6

Representatives voting aye were: Allen, Armstrong, Bittle, Bivens, Buck, Chiles, Chumney, Clark, Coffey, Collier, Crain, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Givens, Hargrove, Hassell, Head, Hillis, Hubbard, Huskey, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Peroulas, Draper, Pruitt, Purcell, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Wix, Mr. Speaker Naifeh -- 58.

Representatives voting no were: Anderson, Bell, Byrd, Callicott, Copeland, Cross, Curlee, Duer, Ferguson, Fowlkes, Gunnels, Haley, Halteman, Harrill, Hill, Holcomb, Joyce, McAfee, Phillips, Pinion, Rhinehart, Rinks, Tullos, Walley, Williams (Union), Windle, Winningham, Wood -- 28.

Representatives present and not voting were: Arriola, Bragg, Haun, Johnson, Odom, Rigsby -- 6.

A motion to reconsider was tabled.

***Senate Bill No. 1063 -- Firefighters --** Creates presumption for certain full time firefighters that condition of cancer arose from course of employment. Amends TCA, Title 7, Ch. 51, Pt. 2.

Further consideration of Senate Bill No. 1063, previously considered on May 9, 1991, at which time it was substituted for House Bill No. 1457, Amendment Nos. 1 and 3 were withdrawn, Amendment No. 2 was adopted; the bill failed for lack of a constitutional majority and was re-referred to the Calendar and Rules Committee, which reset the bill to the Calendar for May 23, 1991.

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Rep. West moved that **Senate Bill No. 1063** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	69
Noes.	19
Present and not voting.	6

Representatives voting aye were: Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Chiles, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Ferguson, Givens, Gunnels, Halteman, Hargrove, Hassell, Head, Herron, Hill, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Kent, Kernell, King, Kisber, Knight, Love, McDaniel, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 69.

Representatives voting no were: Allen, Callicott, Coffey, Duer, Fowlkes, Haley, Harrill, Haun, Holcomb, Joyce, Liles, Meyer, Niceley, Robinson (Washington), Tullios, Venable, Williams (Shelby), Williams (Union), Wood -- 19.

Representatives present and not voting were: Anderson, Chumney, Davis (Knox), Hubbard, Jones U (Shelby), McKee -- 6.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 1063 and have this statement entered in the Journal.

Rep. Ray Hill

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to present not voting on Senate Bill No. 1063 and have this statement entered in the Journal.

Rep. John Arriola

REGULAR CALENDAR, CONTINUED

House Bill No. 1613 -- Kingsport -- Revises charter. Amends Chapter 76, Private Acts of 1917, as amended.

Rep. Hubbard moved that **House Bill No. 1613** be re-referred to the Calendar and Rules Committee, which motion prevailed.

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***House Bill No. 1528** -- Gambling -- Allows display of gambling devices at trade shows. Amends TCA, Title 39, Ch. 17, Pt. 5.

Further consideration of House Bill No. 1528, previously considered on May 16, 1991, at which time it was reset to the Calendar for May 23, 1991.

Rep. Dixon moved that House Bill No. 1528 be reset to the Calendar for Wednesday, May 29, 1991, which motion prevailed.

***House Bill No. 0015** -- Election Laws -- Establishes contribution limits. Amends TCA, Title 2, Ch. 10.

Further consideration of House Bill No. 15, previously considered on May 9 and 16, 1991, at which time it was reset to the Calendar for May 23, 1991.

Rep. Kisber moved that House Bill No. 15 be reset to the Calendar for February 19, 1992, which motion prevailed.

***Senate Bill No. 1399** -- Taxes, Personal Property -- Provides that equipment valued at \$500 or less is deemed to have no value for personal property tax purposes. Amends TCA 67-5-901.

Further consideration of Senate Bill No. 1399, previously considered on May 16, 1991, at which time it was substituted for House Bill No. 1440 and reset to the Calendar for May 23, 1991.

Rep. Davis (Knox) moved that **Senate Bill No. 1399** be passed on third and final consideration.

Rep. Jackson moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 1399 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall only apply in counties having a population of not less than 319,625 nor more than 319,725 according to the 1980 federal census or any subsequent federal census.

Rep. Davis (Knox) moved that Senate Bill No. 1399 be reset to the Calendar for Wednesday, May 29, 1991, which motion prevailed.

***House Joint Resolution No. 0067** -- Highway Signs -- Don C. Bales Memorial Bridge, Union School Road in Knox County.

Further consideration of House Joint Resolution No. 67,

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previously set on the May 20 Calendar, and, pursuant to Rule 49 was placed on the Calendar for May 23, 1991.

Rep. Davis (Knox) moved that House Joint Resolution No. 67 be adopted.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 67 by deleting the second and third resolving clauses of the printed resolution and substituting instead the following:

BE IT FURTHER RESOLVED, That a copy of this resolution be prepared for Mr. Bales' family.

On motion, Amendment No. 1 was adopted.

Rep. McAfee moved the previous question, which motion prevailed.

Thereupon, Rep. Davis (Knox) moved that **House Joint Resolution No. 67**, as amended, be adopted, which motion prevailed by the following vote:

Ayes.	97
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood -- 97.

Representatives present and not voting were: Mr. Speaker Naifeh -- 1.

A motion to reconsider was tabled.

House Bill No. 1062 -- Employees, Employers -- Increases penalty for employers who keep customers' tips intended for employees from

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Class C to Class B misdemeanor. Amends TCA, Title 50.

Further consideration of House Bill No. 1062, previously considered on May 29, 1991, at which time it was reset to the Calendar for May 23, 1991.

Rep. West moved that House Bill No. 1062 be reset to the first available space to the Calendar for March, 1992, which motion prevailed.

***House Bill No. 1459 -- Aircraft and Airports --** Authorizes metropolitan governments to establish airport noise mitigation programs. Amends TCA, Title 7, Ch. 13.

On motion, House Bill No. 1459 was made to conform with Senate Bill No. 1471.

On motion, **Senate Bill No. 1471**, on same subject, was substituted for House Bill No. 1459.

Rep. West moved that **Senate Bill No. 1471** be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 1471 by inserting the language "in which a metropolitan airport authority has been created pursuant to Section 42-4-104" in the first sentence of the amendatory language of Section 1 between the words "metropolitan forms of government" and the words "are hereby authorized".

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 1471 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. No state funds shall be obligated or expended to implement the provisions of this act.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. West moved that **Senate Bill No. 1471** as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.	95
Noes.	0
Present and not voting.	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Givens, Rinks, Venable -- 3.

A motion to reconsider was tabled.

House Bill No. 0771 -- Taxes -- Provides for tax exemption of certain pollution control improvements and facilities. Amends TCA, Title 67.

Rep. Kisber moved that House Bill No. 771 be reset to the Calendar for Thursday, May 30, 1991, which motion prevailed.

House Bill No. 1219 -- Handicapped Persons -- Creates mechanism for procurement of goods and services from certain handicapped persons. Amends TCA 4-29-213; Title 9, Ch. 8; Title 12, Ch. 4; Title 71, Ch. 4.

On motion, House Bill No. 1219 was made to conform with Senate Bill No. 1326.

On motion, **Senate Bill No. 1326**, on same subject, was substituted for House Bill No. 1219.

Rep. Dixon moved that **Senate Bill No. 1326** be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1326 by deleting in its entirety all the language following the enacting clause and by substituting

instead the following:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 4, is amended by adding the following language as a new part 7:

71-4-701

The purpose of this act is to further the policy of the state to encourage and assist blind and other severely handicapped individuals to achieve maximum personal independence through useful, productive, and gainful employment by assuring an expanded and constant market for their commodities and services, thereby enhancing their dignity and capacity for self-support and minimizing their dependence on welfare and need for costly institutionalization. This act covers any political subdivision of the state of Tennessee having its own purchasing agency and includes governmental divisions of the state of Tennessee, counties, municipalities, school districts, or any other public bodies supported in whole or in part by the General Assembly. The provisions of this act and participation under this program are optional for approved, nonprofit workshops for the blind in Tennessee and such workshops may proceed under Tennessee Code Annotated, Title 71, Chapter 4, Part 2 or under this act when seeking the purchase of their commodities and services. Participation under either program does not preclude approved, nonprofit workshops for the blind in Tennessee from participating in an alternative program at any time.

71-4-702 As used in this act:

(1) "Blind" means an individual or class of individuals whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200 is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle no greater than 20 degrees;

(2) "Central nonprofit agency" means the agency designated by the committee to facilitate the distribution, by direct allocation, subcontract, or any other means, of orders from state government for commodities and services on the procurement list among work centers for the blind and work centers for other severely handicapped, and to assist the committee in administering the program described under this act.

(3) ""The Advisory Committee for Purchase from the Blind and Other Severely Handicapped", hereinafter committee, means the committee created pursuant to §71-4-703.

(4) "Certified commodities or services" are:

(A) The commodities produced with "value added" through manufacturing, repackaging or assembly processes by any work center for the blind or by any work center for the severely handicapped; and

(B) The services provided with "value added" by any work center for the blind or by any work center for the severely handicapped; and

(C) Which have been recommended by the central nonprofit agency as suitable for procurement by any entity of state government pursuant to this act and which are certified by the state board of standards as to quality, availability, and price.

(5) "Qualified nonprofit work center for the severely handicapped" (hereinafter work center for the severely handicapped) means an agency:

(A) Organized under the laws of the United States or of this state, operated in the interest of severely handicapped individuals who are not blind, the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual;

(B) Which complies with any applicable occupational health and safety standard prescribed by the Secretary of Labor of the United States;

(C) Which, in the production of commodities and in the provision of services, whether or not the commodities or services are procured under §§71-4-701 through 71-4-704, during the fiscal year employees blind or other severely handicapped individuals for a minimum of seventy-five percent (75%), or in accordance with the percentage of direct labor required under the terms and conditions of P.L. 92-28 or whichever is lesser, of the man-hours of direct labor required for the production or provision of the commodities or services; and

(D) Which meets the criteria for determining nonprofit status under the provisions of Tennessee Code Annotated, Title 48, Chapter 51, Part 1, and is registered with the secretary of state's office in good standing.

(6) "Qualified nonprofit work center for the

blind" (hereinafter work center for the blind) means an agency:

(A) Organized under the laws of the state of Tennessee, operated in the interest of blind individuals, and the net income of which does not inure in whole or part to the benefit of any shareholder or other individual;

(B) Which complies with the applicable occupational health and safety standards prescribed by the Secretary of Labor of the United States;

(C) Which, in the production of commodities and the provision of services, whether or not the commodities or services are procured as provided in this act, during the fiscal year employs blind individuals for a minimum of seventy-five percent (75%), or in accordance with the percentage of direct labor required under the terms and conditions of P.L. 92-28, or whichever is lesser, of the man-hours of direct labor required for the production or provision of commodities or services; and

(D) Which meets the criteria for determining nonprofit status under the provisions of Tennessee Code Annotated, Title 48, Chapter 51, Part 1, and is registered with the secretary of state's office in good standing.

(7) "Severely handicapped" and "severely handicapped individuals" means an individual or class of individuals under a physical or mental disability other than blindness, which, according to criteria established by rules approved by the Advisory Committee for Purchase from the Blind and Other Severely Handicapped, after consultation with appropriate entities of the state and taking into account the views of nongovernmental entities representing the handicapped, constitutes a substantial handicap to employment and is of such a nature as to prevent the individual under such disability from currently engaging in normal competitive employment.

71-4-703

(a) There is created the Advisory Committee for Purchase from the Blind or Other Severely Handicapped, which shall be composed of the following commissioners or their designees: the department of general services, the department of finance and administration, the department of human services, and

the department of mental health and mental retardation. Additionally there shall be three (3) members appointed by the governor for three (3) year terms who are private citizens. One of these members shall represent nonprofit work centers for the blind and one shall represent nonprofit work centers for the severely handicapped. One member shall represent the business community. The members of the committee shall organize and appoint a chair and determine their operating procedures. Members will serve without compensation but shall be reimbursed for all necessary expenses incurred in the performance of their duties.

(b) The committee shall provide oversight to the central nonprofit agency in developing and implementing a state procurement program of selected commodities and services from qualified work centers serving blind and other severely handicapped individuals and shall have authority to select a central nonprofit agency to implement the procurement program.

(c) It is the committee's responsibility to:

(1) To designate a central nonprofit agency to facilitate the distribution, among the work centers for the blind and other severely handicapped, of orders of the government for commodities or services appearing on the procurement list (by direct allocation, subcontract, or any other means).

(2) To review those rules and regulations that will be proposed by the central nonprofit agency and to promulgate such rules that will effectively implement this act.

(3) To conduct an annual evaluation of the activities of the central nonprofit agency under this act for the purpose of assuring effective and efficient administration of this act.

(d) All departments, institutions, agencies, and political subdivisions of this state supported in whole or in part by the general assembly, shall purchase all services or commodities required by such departments, institutions, agencies or political subdivisions of this state from qualified nonprofit work centers for the blind or severely handicapped as defined by §71-4-702, provided that the articles are certified by the board of standards and are available. This act has precedence over any law requiring state agency procurement of commodities or services, except laws that require purchases from nonprofit organizations operating under §§71-4-204 and

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71-4-205, laws establishing preference for blind vendors operating under Tennessee Code Annotated, Title 71, Chapter 4, Part 5, and laws requiring purchases under §§41-22-117 through 41-22-124.

(e) This act shall not apply in any case in which commodities or services are available from any agency of the state or where the board of standards determines that the commodities or services do not meet the reasonable requirements of a department, institution, agency, or political subdivision of this state.

71-4-704

(a) Under the provisions of §71-4-703 of this act, the state, through the Advisory Committee for Purchase from the Blind and Other Severely Handicapped, may designate a central nonprofit agency to represent the work centers for the blind and work centers for other severely handicapped.

(b) The functions and operations of the designated central nonprofit agency shall include but not be limited to the following:

(1) Submit proposed rules and regulations necessary to implement this act. Such rules to be submitted to and approved by the committee prior to promulgation.

(2) Ensure that the priorities for the production of commodities and services are maintained under this act.

(3) Evaluate the nonprofit qualifications and capabilities of qualified work centers to manufacture commodities or perform services and represent them to the committee under this act. In evaluating products, the central nonprofit agency must assure that participating work centers are contributing a "value added" to commodities or services that are being recommended under this program.

(4) Recommend to the board of standards, with appropriate justification including recommended prices, suitable commodities or services for procurement from its workshops and as market conditions change, recommend price changes or revisions or the reassignment of commodities and services to and from the certified products list.

(5) Distribute and allocate (by direct

allocation, subcontract, or any other means) orders from government activities by its workshops.

(6) Maintain the necessary records and monitoring data on its workshops to ensure compliance in the production of a commodity or performance of a service.

(7) When authorized by the committee, enter into contracts with the state procurement system for the furnishing of commodities or services provided by its work centers.

(8) When distributing and allocating orders for commodities, priority shall be given to participating nonprofit workshops for the blind.

(c) The central nonprofit agency shall charge a fee to participating workshops for facilitating participation by their work centers under this act. This fee shall not exceed rates approved by the committee. The work center may factor this fee as an administrative expense into the product's overall cost.

71-4-705

(a) In furtherance of the purposes of this act and in order to contribute to the economy of state government, it is the intent of the general assembly that there be close cooperation between the committee and any agency of the state from which procurement of commodities or services is required under the provisions of law currently in effect. The central nonprofit agency is authorized to enter into cooperative agreements, contracts or other arrangements as may be determined to be necessary for the effective coordination and efficient realization of the objectives of this act.

(b) Beginning with the report due on or before December 31, 1992, the Advisory Committee for Purchase from the Blind and Other Severely Handicapped shall annually report on or before December 31 to the governor and to each member of the general assembly concerning the number of work centers participating in the program, the total dollar amount of purchases made from the participating work centers by state agencies and any other information the committee deems appropriate.

(c) When any state governmental unit is out of compliance with the rules and regulations set forth by the committee under the terms and conditions specified in this act, a work center may seek to recover damages

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in accordance with the terms and conditions specified in Tennessee Code Annotated, Title 9, Chapter 8.

SECTION 2. Tennessee Code Annotated, Section 9-8-307(a)(1), is amended by deleting the word "and" at the end of subdivision (S), by changing the period at the end of subdivision (T) to a semicolon and adding the word "and", and by adding the following language as a new subdivision:

(U) Actions based on violations of the requirements of procurement of commodities or services under Tennessee Code Annotated, Title 71, Chapter 4, Part 7.

SECTION 3. Tennessee Code Annotated, Section 4-29-213(a), is amended by adding the following language as a new, appropriately designated subdivision:

() Advisory Committee for Purchase from the Blind and Other Severely Handicapped, created pursuant to §71-4-703.

SECTION 4. For purposes of appointing members to the Advisory Committee for Purchase from the Blind and Other Severely Handicapped and for promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 1991, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 2 as House Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 1326 by deleting from subdivision (4)(C) of amendatory section 71-4-702 of Section 1 the word and punctuation "price.", and by substituting instead the following language:

fair market price; provided, however, the certified price for any commodity or service may not exceed the estimated price which could be obtained by following other prescribed procurement procedures as determined by the board of standards.

AND FURTHER AMEND by deleting from subsection (d) of

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amendatory section 71-4-703 of Section 1 the language "§§41-21-117 through 41-21-124", and by substituting instead the language "§§41-22-117 through 41-22-124".

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. Dixon moved that **Senate Bill No. 1326**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winingham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 0032** -- Firearms and Ammunition -- Removes requirement that weapons must be carried with intent to go armed on school property or in public parks in order to be unlawful. Amends TCA, Title 39, Ch. 17, Pt. 13.

Further consideration of House Bill No. 32, previously considered on May 16 and 20, 1991, at which time it was reset to the Calendar for May 23, 1991.

On motion, House Bill No. 32 was made to conform with Senate Bill No. 64.

On motion, **Senate Bill No. 64**, on same subject, was substituted for House Bill No. 32.

Rep. Hubbard moved that **Senate Bill No. 64** be passed on third and final consideration.

On motion, Rep. Byrd withdrew Judiciary Committee Amendment No. 1.

On motion, Rep. Byrd withdrew Judiciary Committee Amendment No. 2.

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On motion, Rep. Byrd withdrew Judiciary Committee Amendment No. 3.

On motion, Rep. Byrd withdrew Judiciary Committee Amendment No. 4.

Rep. Williams (Shelby) moved to amend as follows:

Amendment No. 5

Amend Senate Bill No. 64 by deleting Section 1(c) and by substituting instead the following:

(c) It is an offense for any person to possess or carry, whether openly or concealed, any firearm, not used solely for instructional or school-sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field or any other property owned, used or operated by any board of education, school, college or university board of trustees, regents or directors for the administration of any public or private educational institution. Provided, however, it shall not be an offense under this subsection for a non-student adult to possess a firearm if such firearm is contained within a private vehicle operated by the adult and is not handled by such adult, or by any other person acting with the expressed or implied consent of such adult, while such vehicle is on school property.

Rep. Callicott moved that Amendment No. 5 be tabled, which motion failed by the following vote:

Ayes	22
Noes	70
Present and not voting	1

Representatives voting aye were: Arriola, Bell, Bivens, Callicott, Coffey, Curlee, Davidson, Duer, Hill, Holcomb, Napier, Nuber, Peroulas Draper, Rhinehart, Rinks, Sipes, Stamps, Tullios, Turner (Shelby), Whitson, Winningham, Wix -- 22.

Representatives voting no were: Allen, Anderson, Armstrong, Bittle, Buck, Byrd, Chiles, Chumney, Clark, Cole, Collier, Crain, Cross, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Herron, Hillis, Holt, Hubbard, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Odom, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Rigsby, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Tindell, Turner (Hamilton), Venable, Walley, West, Williams (Shelby), Williams (Union), Windle, Wood, Mr. Speaker Naifeh -- 70.

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Representatives present and not voting were: Robinson (Hamilton) -- 1.

Thereupon, Rep. Williams (Shelby) renewed the motion to adopt Amendment No. 5, which motion prevailed.

Rep. Whitson moved the previous question, which motion prevailed by the following vote:

Ayes.	87
Noes.	7
Present and not voting.	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Union), Wix, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Callicott, Duer, Haun, Kernell, Peroulas Draper, Stamps, Williams (Shelby) -- 7.

Representatives present and not voting were: Turner (Hamilton), Windle, Winningham -- 3.

Thereupon, Rep. Hubbard moved that **Senate Bill No. 64**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	1
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Wix,

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Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Turner (Hamilton) -- 1.

Representatives present and not voting were: Windle, Winningham -- 2.

A motion to reconsider was tabled.

***House Bill No. 0125 -- Wildlife Resources Commission -- Makes hunting, killing, ensnaring, or destroying, or the attempt to do so, wildlife except as permitted by commission, Class B misdemeanor, punishable only by fine. Amends TCA, Title 70.**

Further consideration of House Bill No. 125, previously considered on May 20, 1991 at which time Amendment No. 1 was adopted, Amendment No. 2 was tabled, Amendment No. 3 was withdrawn; then the bill was reset to the Calendar for May 23, 1991.

Rep. Purcell moved that House Bill No. 125, as amended, be reset to the Calendar for Wednesday, May 29, 1991, which motion prevailed.

House Bill No. 1085 -- Antique Dealers -- Permits use and possession of antique slot machines under certain circumstances. Amends TCA, Title 39, Ch. 17, Pt. 5.

Rep. Moore moved that House Bill No. 1085 be re-referred to the Calendar and Rules Committee, which motion prevailed.

MESSAGE FROM THE SENATE

May 23, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 287; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0287 -- Memorials, Recognition and Thanks -- Pastor Paul A. McDaniel. by *Crutchfield.

ENGROSSED BILLS

May 23, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 391; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

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MESSAGE FROM THE SENATE
May 23, 1991

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 85.

The Senate refused to recede from its action in nonconcurring in House Amendment(s) No(s). 3.

The Speaker appointed a Conference Committee composed of Senators O'Brien, Hamilton and McNally to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 85.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 23, 1991

MR. SPEAKER: I am directed to return to the House, House Bill No. 457.

The Speaker appointed a Conference Committee composed of Senators Springer, Patten and Lawson to confer with a like Committee from the House to resolve the differences of the two bodies on House Bill No. 457.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 23, 1991

MR. SPEAKER: I am directed to return to the House, House Bill No. 861.

The Speaker appointed a Conference Committee composed of Senators Albright, Womack and McKnight to confer with a like Committee from the House to resolve the differences of the two bodies on House Bill No. 861.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 23, 1991

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1157; substituted for Senate Bill(s) on same subject(s),

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amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
May 23, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 391; amended, and concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

DELAYED BILLS REFERRED

Pursuant to **Rule No. 78**, having been prefiled for introduction, House Bill(s) No(s). 1640, was/were referred to the Delayed Bills Committee.

***House Bill No. 1640** -- Funeral Directors and Embalmers -- Requires extra exams to be offered to candidates in Lawrence County. Amends TCA, Title 62, Ch. 5. by *Moore.

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the introduction and passage on first consideration of House Bill(s) No(s). 1630, 1632 through 1639, 1641 and 1642, which motion prevailed.

House Bill No. 1630 -- Obion County -- Enacts hotel/motel tax. by *Pinion.

House Bill No. 1632 -- Kingsport -- Modifies charter provisions relative to lighting of streets. Amends Chapter 76, Private Acts of 1917, as amended. by *Hubbard, *Venable, *Givens.

House Bill No. 1633 -- Tipton County -- Authorizes animal control program. by *Naifeh.

House Bill No. 1634 -- Tipton County -- Revises hotel/motel tax. Amends Chapter 127, Private Acts of 1988. by *Naifeh.

House Bill No. 1635 -- McMinn County -- Authorizes levy of privilege tax on certain hazardous waste facilities. by *McKee.

House Bill No. 1636 -- Pulaski -- Revises powers of mayor and police department. Amends Chapter 711, Private Acts of 1949, as amended. by *Fowlkes.

House Bill No. 1637 -- Maury County -- Authorizes privilege tax

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on new development. by *Napier.

House Bill No. 1638 -- Maury County -- Enacts hotel/motel tax. by *Napier.

House Bill No. 1639 -- Lebanon -- Revises charter. Amends Chapter 644, Acts of 1911, as amended. by *Bell.

House Bill No. 1641 -- Cookeville -- Revises provisions for nominations for city council. Amends Chapter 542, Acts of 1903, as amended. by *Hargrove.

House Bill No. 1642 -- Hardeman County -- Authorizes privilege tax on operation of commercial facility separating hazardous substances generating hazardous waste as byproduct. by *Walley.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 0539 -- Forest and Forest Products -- Imposes double damages for negligent cutting of timber from property of another. Amends TCA, Title 43, Ch. 28.

Senate Amendment No. 1

Amend House Bill No. 539 by designating the amendatory language of the original Section 1 as subsection (a) and by adding the following to new subsection (b):

Nothing in this act shall preclude an owner of property on which timber has been cut by another from recovering damages for loss of value other than commercial timber value, if any, of the timber negligently or intentionally cut.

Rep. Crain moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 539**, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart,

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Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

MOTION

Rep. Rhinehart moved that Senate Bill No. 771 be transmitted to the Senate, which motion prevailed.

Senate Bill No. 0771 -- Motor Vehicles, Titling and Registration
-- Provides special license plates for armed forces reserve personnel. Amends TCA, Title 55, Ch. 4.

BILL RETURN REQUESTED

Pursuant to Rule No. 54, Rep. Napier moved that the Clerk request the return of Senate Bill No. 771 from the Senate.

Rep. Copeland moved the previous question, which motion prevailed.

Thereupon, Rep. Napier renewed the motion to request the of Senate Bill No. 771 from the Senate, which motion prevailed by the following vote:

Ayes.	85
Noes.	5
Present and not voting.	7

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odum, Peroulas Draper, Phillips, Pinion, Pruitt, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood -- 85.

Representatives voting no were: Arriola, Cross, Curlee, Harrill, Rhinehart -- 5.

Representatives present and not voting were: Bragg, Hillis, Love, Purcell, Robinson (Hamilton), Tindell, Mr. Speaker Naifeh -- 7.

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UNFINISHED BUSINESS

ANNOUNCEMENT

Pursuant to **Rule No. 53**, the Clerk announced Rep. Stamps' intent to recall House Bill No. 1148 from the State and Local Government Committee for immediate consideration, as reflected in his letter filed in the Journal of May 20, 1991.

RULES SUSPENDED

Rep. Hillis moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that House Bill No. 62 can be heard by the Finance, Ways and Means Committee on Tuesday, May 28, 1991, which motion prevailed.

MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 0881 -- Civil Procedure -- Exempts records custodians from subpoena to trial. Amends TCA 24-9-101.

Senate Amendment No. 1

Amend House Bill No. 881 by deleting from the amendatory language of Section 1 the number and words "(8) A records custodian" and substituting instead the number and words "(8) A custodian of medical records if such custodian files a copy of the applicable records and an affidavit with the court and follows the procedures provided in Tennessee Annotated, Title 68, Chapter 11, Part 4, for the production of hospital records pursuant to a subpoena duces tecum.

Rep. Bittle moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 881**, which motion prevailed by the following vote:

Ayes.	90
Noes.	8
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart,

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Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Arriola, Callicott, Nuber, Rigby, Rinks, Tullos, Walley, Williams (Union) -- 8.

Representatives present and not voting were: Holcomb -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from no to aye on the motion to concur in Senate Amendment No. 1 to House Bill No. 881 and have this statement entered in the Journal.

Rep. Micheal Williams

MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 0963 -- Private Investigators -- Revises maximum fee for license. Amends TCA, Title 62, Ch. 26, Pt. 2.

Senate Amendment No. 2

Amend House Bill No. 963 by adding before the effective date section the following new section and by renumbering the effective date section accordingly:

SECTION _____. Tennessee Code Annotated, Title 62, Chapter 26, Part 2, is amended by adding the following language as a new, appropriately designated section:

() The provisions of this part do not apply to a public accountant and a certified public accountant, or the agent of either, performing duties relating to public accountancy.

Senate Amendment No. 4

Amend House Bill No. 963 by inserting the following language as a new, appropriately designated section immediately preceding the final section and by renumbering the final section accordingly:

SECTION _____. Tennessee Code Annotated, Title 62, Chapter 26, Part 2, is amended by adding the following language as a new, appropriately numbered section:

The provisions of this part do not apply to:

(1) A governmental officer or employee performing official duties;

(2) A consumer reporting agency, as defined by the Federal Fair Credit Reporting Act;

(3) An attorney at law, or his agent, performing duties relating to the attorney's practice of law;

(4) An insurance company, agent, broker or adjustor performing investigative duties in connection with insurance business transacted; or

(5) A private business employee conducting investigations relating to the internal affairs of such business.

Senate Amendment No. 5

Amend House Bill No. 963 by adding the following subsection to Section 23:

() In making appointments to the commission, the governor shall strive to ensure that at least one (1) person serving on the commission is sixty (60) years of age or older and that at least one (1) person serving on the commission is a member of a racial minority.

Rep. Davis (Knox) moved that the House concur in Senate Amendment(s) No(s). 2, 4 and 5 to **House Bill No. 963**, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

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A motion to reconsider was tabled.

House Bill No. 1594 -- Warren County -- Levies hotel/motel tax.

Senate Amendment No. 1

Amend House Bill No. 1594 by deleting the following language from Section 10:

For services in administering and enforcing the provisions of this act, the clerk is entitled to retain as a commission five percent (5%) of the taxes collected.

Rep. Rhinehart moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 1594, which motion prevailed by the following vote:

Ayes.	84
Noes.	6
Present and not voting.	6

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Fowlkes, Garrett, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Hill, Hillis, Holt, Hubbard, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tulllos, Turner (Hamilton), Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 84.

Representatives voting no were: Arriola, Chumney, Ferguson, Stamps, Walley, Windle -- 6.

Representatives present and not voting were: Givens, Holcomb, Johnson, Nuber, Rigsby, Williams (Union) -- 6.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
May 23, 1991

MR. SPEAKER: I am directed to return Senate Bill No. 771, as requested.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

THURSDAY, MAY 23, 1991 -- FORTY-NINTH LEGISLATIVE DAY

CONSENT CALENDAR

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended so that the Consent Calendar, originally set for Tuesday, May 28, 1991, can be considered today, which motion prevailed.

Rep. Purcell moved that the rules be suspended so that all congratulatory and memorializing resolutions lying on the Clerk's desk be introduced, considered out of order, and placed with the Consent Calendar originally set for Tuesday, May 28, 1991, which motion prevailed.

SPECIAL CONSENT CALENDAR

House Resolution No. 0119 -- Memorials, Interns -- Larry Douglas Thacker, Jr. by *Davidson, *Jones U, *Winningham.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0120 -- Memorials, Personal Achievement -- Rebecca H. Smith, Outstanding Sophomore at UT Knoxville. by *Hargrove.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0385 -- Memorials, Sports -- Popeye Jones, Murray State University basketball star. by *Herron.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0386 -- Memorials, Sports -- Gleason High School girls' basketball team. by *Herron.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0387 -- Memorials, Sports -- Coach Pam Daniel, District Coach of the Year. by *Herron, *Ridgeway.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0388 -- Memorials, Interns -- Maggi McLean. by *King, *Garrett.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0389 -- Memorials, Interns -- Angelique Tomasello. by *King, *Kernell, *Garrett.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0390 -- Memorials, Personal Occasion -- Mr. and Mrs. Daniel C. Hunt, Jr., 50th Wedding Anniversary. by *West.

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Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0392 -- Memorials, Sports -- Scott County High School track team athletes. by *Winningham.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0393 -- Memorials, Heroism -- Williamson countians in Operation Desert Storm. by *Callicott, *Liles.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0394 -- Memorials, Recognition and Thanks -- West Tennessee Strawberry Festival in Humboldt. by *Davis Ray.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0395 -- Highway Signs -- Jason P. Crouch Memorial Highway, S.R. 325 in Pickett County. by *Winningham.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0396 -- Memorials, Personal Achievement -- Thomas A. Colley, 1991 Hillsboro High School valedictorian. by *Odom.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0397 -- Memorials, Interns -- Leslie Ann Sullivan. by *Hillis, *Odom, *West, *Cross, *Purcell.

Introduced; placed on Special Consent Calendar.

Senate Joint Resolution No. 0287 -- Memorials, Recognition and Thanks -- Pastor Paul A. McDaniel.

Placed on Special Consent Calendar.

***House Bill No. 1591** -- Highways, Roads and Bridges -- Puts Scott County under Uniform County Highway Law. Amends TCA 54-7-104.

***House Joint Resolution No. 0231** -- Highway Signs -- Removes SR 297 in Scott County from designation as "Bruno Gernt Highway".

House Bill No. 0824 -- Taxes, Sales -- Removes time limitation on special allocation of certain tax revenues. Repeals Chapter 1025, Section 2, Public Acts of 1988. Amends TCA 67-6-103.

On motion, House Bill No. 824 was made to conform with Senate Bill No. 209.

On motion, **Senate Bill No. 209**, on same subject, was substituted for House Bill No. 824.

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***Senate Joint Resolution No. 0235** -- Memorials, Government Officials -- Urges department of transportation to cooperate with Memphis Planning Office in completing improvements to certain portion of Horn Lake Road.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Joint Resolution No. 231; by Rep. Windle.

Under the rules, House Joint Resolution No. 231 was/were placed at the foot of the calendar for Wednesday, May 29, 1991.

REMARKS ON HOUSE BILL NO. 824

by Rep. Lois DeBerry

Let the Journal reflect that I have withdrawn my objections to House Bill No. 824 on the Special Consent Calendar since there is only one Senate sponsor and he will not be present for the remainder of the session to deal with any amendment we might add. But, we will be back next year with an amendment to this bill to limit the time for application of this tax.

/s/ Rep. Lois DeBerry

CONSENT CALENDAR, CONTINUED

Pursuant to **Rule No. 50**, Rep. Purcell moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Special Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Special Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley,

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Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

UNFINISHED BUSINESS, CONTINUED

RULES SUSPENDED

Rep. Purcell moved to suspend **Rule No. 59** to allow House Joint Resolution No. 391, lying on the desk with a Senate Message, to be considered immediately, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Joint Resolution No. 0391 -- General Assembly, Adjournment, Recess -- Provides for recess of the house from the close of business on Thursday, May 23, until Wednesday May 29 at 2:00 p.m.

Senate Amendment No. 1

Amend House Joint Resolution No. 391 by inserting after the word "Representatives" the words "and Senate"

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 1 to **House Joint Resolution No. 391**, which motion prevailed.

RULES SUSPENDED

Rep. Ferguson moved to suspend **Rule No. 59** to allow Senate Bill No. 85, lying on the desk with a Senate Message, to be considered immediately, which motion prevailed.

***Senate Bill No. 0085** -- Education -- Authorizes children to attend school in county of choice if city or town located in two or more counties. Amends TCA 49-6-3112.

**CONFERENCE COMMITTEE APPOINTED
ON SENATE BILL NO. 85**

Pursuant to **Rule No. 73**, Representative Ferguson moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 85, which motion prevailed.

The Speaker appointed Reps. Ferguson, Davis (Cocke) and Coffey, as the House members of the Conference Committee on Senate Bill No. 85.

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MESSAGE FROM THE SENATE
May 23, 1991

MR. SPEAKER: I am directed to request the return of Senate Bill No. 771, for further consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 0771 -- Motor Vehicles, Titling and Registration -- Provides special license plates for armed forces reserve personnel. Amends TCA, Title 55, Ch. 4. by Henry.

SENATE BILL RETURNED

Rep. Rhinehart asked that the Clerk be directed to return Senate Bill No. 771 to the Senate as requested.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to the suspension of Rule No. 59, notice was given that the following measure(s) from the Senate would be considered on Wednesday, May 29, 1991:

House Bill No. 457: Rep. Collier.

House Bill No. 861: Rep. Robinson (Davidson).

House Bill No. 1157: Rep. Davis (Cocke).

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 15: Rep(s). Odom as prime sponsor(s).

House Bill No. 32: Rep(s). Callicott as prime sponsor(s).

House Bill No. 62: Rep(s). Hillis as prime sponsor(s).

House Bill No. 535: Rep(s). Holt, Jackson and Naifeh as prime sponsor(s).

House Bill No. 904: Rep(s). Knight as prime sponsor(s).

House Bill No. 1114: Rep(s). Knight as prime sponsor(s).

House Bill No. 1219: Rep(s). Hargrove as prime sponsor(s).

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REQUESTS TO BE ADDED AS SPONSORS

The following members requested to add their names as sponsors as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage of said bill.

House Bill No. 1494: Rep(s). Davis (Gibson), Hillis and Ridgeway as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Allen and Venable was/were removed as sponsor(s) of **House Bill No. 62**.

**REPORT OF DELAYED BILLS COMMITTEE
May 23, 1991**

Pursuant to **Rule No. 78**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: **House Bill(s) No(s). 1592, 1593 and 1640.**

Jimmy Naifeh, Speaker
Bill Purcell
John Chiles

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

House Bill No. 1625 -- Brownsville -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1629 -- Paris -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

***Senate Bill No. 0042** -- Financial Disclosure -- Requires certain candidates and officials to disclose certain information to the registry of election finance. Amends TCA, Title 8, Ch. 50, Pt. 5. (HB 0960).

Held pending third consideration of companion House Bill.

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***Senate Bill No. 0669** -- Public Records -- Establishes procedures for recordation and records management of leases by secretary of state and commissioner of finance and administration. Amends TCA, Title 4, Ch. 15; Title 10, Ch. 7; Title 12, Ch. 2, 29-20-109; Title 62, Chs. 2, 6; Title 68, Ch. 18. (HB 1464).

Held pending third consideration of companion House Bill.

REPORT OF SELECT COMMITTEE

The Clerk announced that the Earthquake Study Committee, pursuant to House Resolution No. 123 of 1990, has completed its work and submitted its final report, which is on file in the Clerk's office.

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

May 23, 1991

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 1590, 1603, 1604, 1614, 1618, 1619, 1623, 1625 and 1628.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

May 23, 1991

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar for Wednesday, May 29, 1991**: House Bill(s) No(s). 1590, 1603, 1604, 1614, 1618, 1619, 1623, 1625 and 1628.

PHILLIPS, Chair.

ENGROSSED BILLS

May 23, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1615, 1617, 1620, 1622, 1624 and 1626; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS

May 23, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report

THURSDAY, MAY 23, 1991 -- FORTY-NINTH LEGISLATIVE DAY

that we have carefully examined House Bill(s) No(s). 381; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**ENGROSSED BILLS
May 23, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 67; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
May 23, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353 and 354; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
May 23, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 177, 234, 260 and 270; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
May 23, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1601, 1602, 1608, 1610 and 1611; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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**MESSAGE FROM THE SENATE
May 23, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1133; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 1133 -- Wildlife Resources Commission -- Makes hunting, killing, ensnaring, or destroying, or the attempt to do so, wildlife except as permitted by commission, Class B misdemeanor, punishable only by fine. Amends TCA, Title 70. by *Ford.

**ENGROSSED BILLS
May 23, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1591; also, House Joint Resolution(s) No(s). 385, 386, 387, 388, 389, 390, 392, 393, 394, 395, 396 and 397; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**SIGNED
May 23, 1991**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 6, 100, 376, 514, 697, 1070, 1421 and 1542; also, Senate Joint Resolution(s) No(s). 26, 197, 217, 248, 249, 250, 251, 252, 255, 256, 258, 260, 261, 262, 263, 264, 267, 268, 269, 277, 279, 281 and 282.

**MESSAGE FROM THE SENATE
May 23, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 67, 238, 239, 240, 242, 243, 245 and 246; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
May 23, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 288, 312, 391 and 1026; substituted for Senate

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Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
May 23, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 228, 567, 900, 1255 and 1611; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 0228 -- Tort Liability --** Revises limits on claims against the state. Amends TCA, Title 9, Ch. 8. by *Dunavant, Davis E.

Senate Bill No. 0567 -- Taxes -- Enacts "Tax Reform Law of 1991". Amends TCA, Titles 57, 67. by *Dunavant.

Senate Bill No. 0900 -- Aircraft and Airports -- Requires certain local governments to implement certain zoning measures. Amends TCA, Title 42, Ch. 6. by *Hamilton, *Hicks, Atchley.

***Senate Bill No. 1255 -- Sexual Offenses --** Requires DNA testing of certain sex offenders; provides for collection and analysis of DNA specimens. Amends TCA, Title 24, Ch. 7; Title 38, Ch. 6; Title 40, Ch. 35. by *Montgomery.

Senate Bill No. 1611 -- Lebanon -- Revises charter. Amends Chapter 644, Acts of 1911, as amended. by *Rochelle.

**MESSAGE FROM THE SENATE
May 23, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 70, 271, 272, 273 and 274; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0070 -- General Assembly, Studies -- Continues SJR 334 to study tax system. by *Dunavant, Henry, Hamilton, McKnight, Cooper, Patten.

Senate Joint Resolution No. 0271 -- Memorials, Heroism -- Sgt. First Class Russel Frank Awalt. by *Cooper.

Senate Joint Resolution No. 0272 -- Memorials, Retirement -- General Carl D. Wallace. by *Rochelle, *Albright, *Patten, Henry, Greer, Cooper, McKnight, Cohen, Crutchfield, O'Brien.

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Senate Joint Resolution No. 0273 -- Memorials, Government Officials -- Requests continuation of "Behavior Health Alternatives for Offenders" program. by *Ford.

Senate Joint Resolution No. 0274 -- Memorials, Professional and Business Achievement -- Gwen McFarland, President of the National Federation of Democratic Women. by *Rochelle.

**ENROLLED BILLS
May 23, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 288, 312, 391, 539, 881, 963, 1026, 1594, 1601, 1602, 1608, 1610 and 1611; House Resolution(s) No(s). 119 and 120; also, House Joint Resolution(s) No(s). 67, 177, 234, 238, 239, 240, 242, 243, 245, 246, 260, 270, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354 and 391; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

On motion of Rep. Purcell, the House recessed until 2:00 p.m., Wednesday, May 29, 1991.